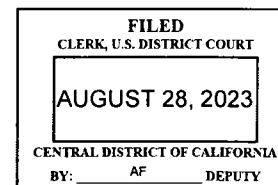


## NAME &amp; ADDRESS

IJEOMA U. EKE (Bar No. 331938)  
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 Deputy Federal Public Defender  
 321 East 2nd Street, Los Angeles, California 90012-4202



UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

PLAINTIFF,

v.

James Kelp Brown

USMS Reg. #:

DEFENDANT(S).

CASE NUMBER

x MJ 23-4399

CONSENT TO VIDEO/TELEPHONIC CONFERENCE  
 AND/OR WAIVER OF DEFENDANT'S PRESENCE

☐ AND PROPOSED FINDINGS/ORDER

Check each that applies:

☒ CONSENT TO VIDEO CONFERENCE/TELEPHONIC CONFERENCE ☐ WAIVER OF DEFENDANT'S PRESENCE

## 1. Consent to Video Conference/Telephonic Conference

I, James Kelp Brown, understand that the U.S. Constitution, the Federal Rules of Criminal Procedure, and/or one or more federal statutes may give me the right to have all the below-listed proceedings take place in person in open court. After consultation with counsel, I knowingly and voluntarily consent to the proceedings below instead taking place by video conference or, if video conference is not reasonably available, by telephonic conference:

Check each that applies:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Detention/Bail Review/Reconsideration Hearing(s) (18 U.S.C. Sec. 3142) | <input checked="" type="checkbox"/> Initial Appearance (Fed. R. Crim. P. 5) |
| <input type="checkbox"/> Preliminary Hearing (Fed. R. Crim. P. 5.1)  | <input type="checkbox"/> Arraignment (Fed. R. Crim. P. 10)                  |
| <input type="checkbox"/> Pretrial Release Revocation Proceedings (18 U.S.C. Sec. 3148)                     | <input type="checkbox"/> Waiver of Indictment (Fed. R. Crim. P. 7(b))       |
| <input type="checkbox"/> Misdemeanor Pleas and Sentencings (Fed. R. Crim. P. 43(b)(2))                     | <input type="checkbox"/> Appearances under Fed. R. Crim. P. 40              |
| <input type="checkbox"/> Probation and Supervised Release Revocation Proceedings (Fed. R. Crim. P. 32.1)   |   |

Note: to consent to an appearance by video or telephonic conference at one of the two proceedings listed below, you must also complete the "Proposed Findings" section on page 2 of this form.

☐ Felony Pleas (Fed. R. Crim. P. 11) ☐ Felony Sentencings (Fed. R. Crim. P. 32)

## 2. Waiver of Defendant's Presence

I, \_\_\_\_\_, understand that the U.S. Constitution, the Federal Rules of Criminal Procedure, and/or one or more federal statutes may give me the right to be present at all of the below-listed proceedings - in person, by video conference, or by telephonic conference. After consultation with counsel, I knowingly and voluntarily waive my right to be present in person in open court or by video conference or by telephonic conference at the proceedings below:

Check each that applies (and use Form CR-35 to waive the defendant's presence at other types of proceedings):

- |   |  |
|---|--|
| <input type="checkbox"/> Detention/Bail Review/Reconsideration Hearing(s) (18 U.S.C. Sec. 3142) | <input type="checkbox"/> Probation and Supervised Release Revocation Proceedings (Fed. R. Crim. P. 32.1) |
| <input type="checkbox"/> Preliminary Hearing (Fed. R. Crim. P. 5.1)                             |  |
| <input type="checkbox"/> Pretrial Release Revocation Proceedings (18 U.S.C. Sec. 3148)          | <input type="checkbox"/> Waiver of Indictment (Fed. R. Crim. P. 7(b))                                    |
| <input type="checkbox"/> Misdemeanor Pleas and Sentencings (Fed. R. Crim. P. 43(b)(2))          | <input type="checkbox"/> Appearances under Fed. R. Crim. P. 40   |

08/28/2023

Date

Defendant

/s/ James Kelp Brown

☒ Signed for Defendant by Counsel for Defendant with  
 Defendant's Authorization [Check if applicable]

In Custody?

☒ Yes ☐ No

For in-custody defendants,  
 list institution where housed: \_\_\_\_\_

I have translated this consent/waiver to the Defendant in the \_\_\_\_\_ language.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Interpreter (if required)

☐ Signed for Interpreter by Counsel for Defendant with  
Interpreter's Authorization [Check if applicable]

I am counsel for the Defendant herein. Prior to the Defendant signing this document or authorizing me to sign this document on the Defendant's behalf, I fully advised the Defendant of the Defendant's above-referenced rights and consulted with the Defendant regarding such rights and the Defendant's consent/waiver(s). I believe that the Defendant understands such rights and that the Defendant's consent/waiver(s) are knowing and voluntary, and I concur with such consent/waiver(s).

08/28/2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Defendant

### 3. Proposed Findings Regarding Harm of Further Delay of Felony Plea or Sentencing

Pursuant to § 15002(b)(2) of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act and § 2 of Order of the Chief Judge No. 20-043 (In Re: Coronavirus Public Emergency Use of Video and Telephonic Conference in Certain Criminal Proceedings), felony pleas and sentencings cannot be conducted other than in person in open court unless the judge makes specific findings that the plea or sentencing "cannot be further delayed without serious harm to the interests of justice." Accordingly, if the defendant intends to consent to a felony plea or sentencing taking place by video conference or, if video conference is not reasonably available, by telephonic conference, instead of in person in open court, the defendant must set forth below proposed findings sufficient to make this showing.

### 4. Order Adopting Findings Regarding Harm of Further Delay of Felony Plea or Sentencing

Pursuant to § 15002(b)(2) of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act and § 2 of Order of the Chief Judge No. 20-043 (In Re: Coronavirus Public Emergency Use of Video and Telephonic Conference in Certain Criminal Proceedings), I hereby find that the:

☐ Felony Plea (Fed. R. Crim. P. 11)

☐ Felony Sentencing (Fed. R. Crim. P. 32)

in this case cannot be further delayed without serious harm to the interests of justice, for the reasons set forth above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Judge